

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

DEWAYNE CARTER, et al., on behalf of themselves and all those similarly situated;

**Plaintiffs,**

vs.

NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION; et al.;

#### Defendants.

CASE NO. 23-cv-6325

## **CLASS ACTION**

**[PROPOSED] ORDER GRANTING MOTION TO  
INTERVENE AND TO TRANSFER, DISMISS, OR  
CONTINUE THE STAY PURSUANT TO THE  
FIRST-TO-FILE RULE**

The Court, having considered the Motion to Intervene and to Transfer, Dismiss, or Continue the Stay Pursuant to the First-To-File Rule filed by Alex Fontenot and Mya Hollingshed, hereby orders that the motion is GRANTED.

The Court finds that the factors used to consider a motion to intervene for the limited purpose of moving to transfer have been met: the intervention is timely, there is commonality, and there is no prejudice to any party.

7 The Court also finds that all the factors considered under the first-to-file rule have been met.  
8 To promote “judicial efficiency, consistency, and comity,” the first-to-file rule “should not be  
9 disregarded lightly.” *Kohn Law Grp., Inc. v. Auto Parts Mfg. Mississippi, Inc.*, 787 F.3d 1237, 1240 (9th Cir.  
10 2015). The Court therefore transfers this action to the District of Colorado.

## 11 IT IS SO ORDERED.

12

13 | DATED:

HONORABLE RICHARD SEEBORG